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DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON, SC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

JEROME ADDISON,
Plaintiff,

vs.

COUNTY OF CHARLESTON,
Defendant.

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CIVIL ACTION NO. 2:09-2896-HFF-RSC

ORDER

This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that (1) the action be dismissed without prejudice and without issuance and service of process, and (2) Plaintiff's motion for a temporary restraining order be denied. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed his comprehensive and well-reasoned Report on December 8, 2009, and the Clerk of Court entered Plaintiff's objections to the Report on December 22, 2009. In his objections, Plaintiff moves the Court to amend his complaint. The motion is hereby **GRANTED**.

Accordingly, this case is **REMANDED** to the Magistrate Judge for consideration of Plaintiff's amended complaint. The Court notes that such remand is caused by no fault of the Magistrate Judge.

IT IS SO ORDERED.

Signed this 28th day of December, 2009, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.